

REMARKS

1. Amendments to Specification

In the specification paragraphs starting at page 5, line 3; page 6, line 21; and page 11, line 22, have been amended to correct minor typographical errors.

2. Status of claims

Claims 1, 7, and 8 have been amended, and claims 5 and 6 have been canceled. Claims 11-19 have been withdrawn. After entry of the above amendments, claims 1-4, 7 – 10 are pending and under consideration.

3. Support for amendments

Claim 1 has been amended to incorporate the limitation “wherein the UV absorber further comprises 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol or 2-(4,6-diphenyl-1,3,5-triazin-2-yl)-5-(hexyl)oxylphenol”. This limitation finds support throughout the specification, a few instances include page 5, lines 14-16, page 11, line 5, page 11, line 16, and originally filed claim 6.

Claims 5 and 6 are canceled as now being redundant. Claim 7 has been amended to clarify a dependency from a claim that is now canceled. Claim 8 has been amended to correct a minor typographical error. Claims 11 – 19 have been withdrawn as the result of an earlier restriction requirement. The Applicant respectfully submits that no new matter has been added by these amendments.

4. Claim rejections under 35 U.S.C. §102

Claims 1 – 5, 7 – 10 have been rejected by the Examiner under the provisions of 35 U.S.C. §102(b) as being unpatentable over U. S. Patent No. 5,760,111 issued to Birbaum *et. al.* (*Birbaum*). In view of the above amendments, the Applicant respectfully traverses this rejection.

Claim 1 has now been amended to recite, “wherein the UV absorber further comprises 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol or 2-(4,6-diphenyl-1,3,5-triazin-2-yl)-5-(hexyl)oxyphenol”. Claim 5 has been canceled. Claims 2 – 4, 7 – 10 are dependant on amended claim 1. As acknowledged by the Examiner on page 5 of the November 9, 2004 Office Action *Birbaum* is, “silent on the specific structure[s] of claim 6.” The Applicant respectfully submits that the examiner intended to refer to the plural form of structure given that two alternative structures are given in claim 6. Given that *Birbaum* does not disclose each and every limitation of amended claim 1, Applicant respectfully submits that the anticipation rejection has been overcome and that pending claims 1 – 4, 7 – 10 are in a condition for allowance.

5 *Claim rejections under 35 U.S.C. §103*

Claim 6 has been rejected by the Examiner under the provisions of 35 U.S.C. §103(a) as being unpatentable over *Birbaum* in view of Ciba Literature on Tinuvin® 1577 (*Ciba*). In view of the amendments contained herein, including the cancellation of claim 6, the Applicant respectfully submits that the §103 rejection is moot. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of this rejection.

6 *Closing remarks*

The Applicant respectfully submits that all pending claims under consideration, claims 1 – 4, 7 – 10 define patentable subject matter. In view of the examiner’s earlier restriction requirement, the Applicant retains the right to present claims 11 – 19 in a divisional application.

At least one claimed element is missing from *Birbaum* and *Ciba*. Even if the combination of the references were deemed proper, the combination does not disclose each element of the present claims.

Accordingly, the Applicant respectfully requests reconsideration of the application, as amended, and allowance of all of the claims. The Examiner is invited to contact the undersigned patent agent at (832) 813-4619 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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